

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| In re: MERRILL LYNCH & CO., INC., | : | Master File No.: |
| SECURITIES, DERIVATIVE AND ERISA | : | 07 Civ. 9633 (JSR) |
| LITIGATION | : | |
| -----X | | |
| -----X | | |
| PERTAINS TO | : | <u>ORDER</u> |
| <i>Derivative Action, 07 Civ. 9696</i> | : | |
| -----X | | |

JED S. RAKOFF, U.S.D.J.

As stated during a telephone conference held today, the Court hereby grants plaintiff's request to conduct narrow discovery via a few interrogatories on the issue of whether Bank of America owned Merrill Lynch stock at the time of the alleged wrongdoing underlying this action. If the parties are unable to reach an agreement on the interrogatories, they should convene a joint conference call to Chambers by no later than Tuesday, March 9, 2010 so that the Court may resolve the disagreement.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
March 4, 2010

